

**REMARKS**

Claims 1-20 remain pending in this application. Claims 1-9 and 15 are amended. Claims 10-11, 13, 14, 16, 17, 19 and 20 were previously presented. Claims 12 and 18 remain unchanged.

**Claims****Objections**

Claim 15 is objected to because of a formality on line 3 of the claim. Claim 15 has been amended to correct the formality error. Applicants respectfully request reconsideration in view of the above remarks.

**35 U.S.C. §102**

Claims 1, 2, and 15 stand rejected under 35 U.S.C. §102(b) as being anticipated by Sawahashi et al. (5,774,494). For a reference to anticipate a claimed invention, each and every element of the claim must be found in the reference.

Claim 1 has been amended to include the recitations similar to those of allowed claim 10 and should therefore be allowable for those reasons as well as for the additional recitations contained therein. Therefore it is respectfully proposed that the rejection for anticipation under 35 U.S.C. § 102(b) is overcome. Applicants respectfully requests reconsideration of the rejection of the claims in view of the above remarks.

Claims 2-9 have been amended to properly depend on amended claim 1.

Claim 2 being dependent on amended claim 1, should therefore also be allowable for the reasons stated above, as well as for the additional recitation contained therein. Applicants respectfully requests reconsideration of the rejection of the claims in view of the above remarks.

Independent claim 15 has been amended to include , inter alia, “a method of performing a cell search, comprising . . . correlating against a primary synchronization code of a received signal to produce a first correlated signal . . . correlating against a secondary synchronization code of the received signal to produce a second correlated signal, the

secondary synchronization code being different than the primary synchronization code . . . deriving a frequency adjustment factor from the first correlated signal . . . and combining the frequency adjustment factor with the second correlated signal to reduce a frequency offset in the second correlated signal such that a secondary synchronization channel of a cell is acquirable” (emphasis added). Support for the amendment is found, among other places, on page 4, lines 10 to 23.

Sawahashi et al. appears to disclose a spread spectrum communication receiver having a despreading arrangement that uses a single spread code to despread a received signal. The Sawahashi receiver uses a fixed frequency oscillator 41 that has a frequency error because it is not in synch with the oscillator of the transmitter that transmitted the received spread spectrum signal. (Column 4, lines 45 to 65). To correct for the frequency error, Sawahashi appears to teach correlating the received signal with a single spreading code three times. The first correlation of the received signal results in a despread signal that contains a frequency error do to the fixed oscillator 41. (Column 5, lines 1 to 7). The second and third correlation of the received signal with the same single spreading code as used during the first correlation is done to derive the frequency error caused by the fixed oscillator 41. (Column 5, lines 22 to 55; column 6, lines 50 to 59). In short, Sawahashi appears to teach a despreading arrangement that despreads a received signal using a single spread code and uses the same single spread code to derive a correction for a frequency offset caused by the fixed oscillator 41 of the receiver.

In contrast to Sawahashi, amended claim 15 recites “a method of performing a cell search, comprising . . . correlating against a primary synchronization code of a received signal to produce a first correlated signal . . . correlating against a secondary synchronization code of the received signal to produce a second correlated signal, the secondary synchronization code being different than the primary synchronization code . . . deriving a frequency adjustment factor from the first correlated signal . . . and combining the frequency adjustment factor with the second correlated signal to reduce a frequency offset in the second correlated signal such that a secondary synchronization channel of a cell is acquirable.” In other words, amended claim 15 recites a “secondary synchronization code being different than the primary synchronization code” while Sawahashi teaches using

the same single spreading code to derive a correction for a frequency offset. Applicants further note that in the office action of February 5, 2008, Sawahashi was described as not teaching or disclosing the primary or secondary synchronization codes as recited in claim 15.

As a result Sawahashi does not show or teach the “correlating against a primary synchronization code of a received signal to produce a first correlated signal . . . correlating against a secondary synchronization code of the received signal to produce a second correlated signal, the secondary synchronization code being different than the primary synchronization code . . . deriving a frequency adjustment factor from the first correlated signal . . . and combining the frequency adjustment factor with the second correlated signal to reduce a frequency offset in the second correlated signal such that a secondary synchronization channel of a cell is acquirable” elements of amended claim 15. Therefore, it is respectfully proposed that the rejection of amended claim 15 for anticipation under 35 U.S.C. § 102(b) is overcome in accordance with the above amendment and remarks and notice to that effect is earnestly solicited.

#### **Allowable Subject Matter**

Applicants respectfully note that claims 10-14 were deemed to be allowable. Further, applicants respectfully note that claims 3-9 and 16-20 were deemed to be allowable if rewritten in independent form including all of the limitations of the base claim and intervening claims.

#### **Conclusion**

Having fully addressed the Examiner’s rejections it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the applicant’s agent at (317) 587-4027, so that a mutually convenient date and time for a telephonic interview may be scheduled.

No fee is believed due. However, if an additional fee is due, please charge the additional fee to Deposit Account 07-0832.

Respectfully submitted,  
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